

**Effective 1/24/2018**

## **Chapter 8 Discipline and Safety**

### **Part 1 General Provisions**

#### **53G-8-101 Title.**

This chapter is known as "Discipline and Safety."

Enacted by Chapter 3, 2018 General Session

#### **53G-8-102 Definitions.**

Reserved

Enacted by Chapter 3, 2018 General Session

### **Part 2 School Discipline and Conduct Plans**

#### **53G-8-201 Definitions.**

Reserved

Enacted by Chapter 3, 2018 General Session

#### **53G-8-202 Public school discipline policies -- Basis of the policies -- Enforcement.**

- (1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.
- (2)
  - (a) To foster such an environment, each local school board or charter school governing board, with input from school employees, parents of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.
  - (b) A district or charter school shall base its policies on the principle that every student is expected:
    - (i) to follow accepted standards of conduct; and
    - (ii) to show respect for other people and to obey persons in authority at the school.
  - (c)
    - (i) On or before September 1, 2015, the state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
    - (ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.

- (d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.
- (3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 446, 2019 General Session

**53G-8-203 Conduct and discipline policies and procedures.**

- (1) The conduct and discipline policies required under Section 53G-8-202 shall include:
  - (a) provisions governing student conduct, safety, and welfare;
  - (b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;
  - (c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);
  - (d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;
  - (e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:
    - (i) the school;
    - (ii) school property;
    - (iii) a person associated with the school; or
    - (iv) property associated with a person described in Subsection (1)(e)(iii);
  - (f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;
  - (g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;
  - (h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and
  - (i) procedures for responding to reports received through the SafeUT Crisis Line under Subsection 53B-17-1202(3).
- (2)
  - (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.
  - (b)
    - (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through 6.
    - (ii) The local school board shall receive input from teachers, school administrators, and parents of the affected students before adopting the policy.
  - (c) The policy described in Subsection (2)(a) shall provide for:
    - (i) notice to the parent of a student prior to holding the student after school on a particular day; and
    - (ii) exceptions to the notice provision if detention is necessary for the student's health or safety.
- (3)

- (a) Each LEA shall adopt a policy for responding to possession or use of electronic cigarette products by a student on school property.
- (b) The policy described in Subsection (3)(a) shall:
  - (i) prohibit students from possessing or using electronic cigarette products on school property;
  - (ii) include policies or procedures for the confiscation or surrender of electronic cigarette products; and
  - (iii) require a school administrator or school administrator's designee to dispose of or destroy a confiscated electronic cigarette product.
- (c) Notwithstanding Subsection (3)(b)(iii), an LEA may release a confiscated electronic cigarette product to local law enforcement if:
  - (i) a school official has a reasonable suspicion that a confiscated electronic cigarette product contains an illegal substance; and
  - (ii) local law enforcement requests that the LEA release the confiscated electronic cigarette product to local law enforcement as part of an investigation or action.

Amended by Chapter 161, 2020 General Session

**53G-8-204 Suspension and expulsion procedures -- Notice to parents -- Distribution of policies.**

- (1)
  - (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.
  - (b)
    - (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.
    - (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.
    - (iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board.
- (2)
  - (a) Each local school board or charter school governing board shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.
  - (b) A copy of the policy shall be posted in a prominent location in each school.
  - (c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Amended by Chapter 293, 2019 General Session

**53G-8-205 Grounds for suspension or expulsion from a public school.**

- (1) A student may be suspended or expelled from a public school for any of the following reasons:
  - (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
  - (b) willful destruction or defacing of school property;

- (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
  - (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
  - (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or
  - (f) possession or use of pornographic material on school property.
- (2)
- (a) A student shall be suspended or expelled from a public school for any of the following reasons:
    - (i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:
      - (A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;
      - (B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or
      - (C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or
    - (ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.
  - (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:
    - (i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent; and
    - (ii) the superintendent, chief administrator, or designee shall determine:
      - (A) what conditions must be met by the student and the student's parent for the student to return to school;
      - (B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and
      - (C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board and giving highest priority to providing a safe school environment for all students.
- (3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.
- (4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).
- (5) Each local school board and charter school governing board shall prepare an annual report for the state board on:
- (a) each violation committed under this section; and
  - (b) each action taken by the school district against a student who committed the violation.

Amended by Chapter 293, 2019 General Session

**53G-8-206 Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.**

- (1)
  - (a) A local school board may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.
  - (b) A charter school governing board may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.
- (2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.
- (3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.
- (4) If a student is suspended, a designated school official shall notify the parent of the student of the following without delay:
  - (a) that the student has been suspended;
  - (b) the grounds for the suspension;
  - (c) the period of time for which the student is suspended; and
  - (d) the time and place for the parent to meet with a designated school official to review the suspension.
- (5)
  - (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent or other person authorized by the parent or applicable law to accept custody of the student.
  - (b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:
    - (i) the student and the parent have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or
    - (ii) in the discretion of the principal or chief administrative officer of a charter school, the parent of the suspended student and the student have agreed to participate in such a meeting.
  - (c) A suspension may not extend beyond 10 school days unless the student and the student's parent have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Amended by Chapter 293, 2019 General Session

**53G-8-207 Alternatives to suspension or expulsion.**

- (1) Each local school board or charter school governing board shall establish:
  - (a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and

- (b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent, with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.
- (2) If the parent does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.
- (3) The parent of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.
- (4) The state superintendent, in cooperation with school districts and charter schools, shall:
  - (a) research methods of motivating and providing incentives to students that:
    - (i) directly and regularly reward or recognize appropriate behavior;
    - (ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and
    - (iii) keep the students in school, or otherwise continue student learning with appropriate supervision or accountability;
  - (b) explore funding resources to implement methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
  - (c) evaluate the benefits and costs of methods of motivating and providing incentives to students that meet the criteria specified in Subsection (4)(a);
  - (d) publish a report that incorporates the research findings, provides model plans with suggested resource pools, and makes recommendations for local school boards and school personnel; and
  - (e) maintain data for purposes of accountability, later reporting, and future analysis.

Amended by Chapter 293, 2019 General Session

Amended by Chapter 324, 2019 General Session

**53G-8-208 Student suspended or expelled -- Responsibility of parent -- Application for students with disabilities.**

- (1) If a student is suspended or expelled from a public school under this part for more than 10 school days, the parent is responsible for undertaking an alternative education plan which will ensure that the student's education continues during the period of suspension or expulsion.
- (2)
  - (a) The parent shall work with designated school officials to determine how that responsibility might best be met through private education, an alternative program offered by or through the district or charter school, or other alternative which will reasonably meet the educational needs of the student.
  - (b) The parent and designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies to meet the student's educational needs.
- (3) Costs for educational services which are not provided by the school district or charter school are the responsibility of the student's parent.
- (4)
  - (a) Each school district or charter school shall maintain a record of all suspended or expelled students and a notation of the recorded suspension or expulsion shall be attached to the individual student's cumulative folder.

- (b) The district or charter school shall contact the parent of each suspended or expelled student under the age of 16 at least once each month to determine the student's progress.
- (5)
  - (a) This part applies to students with disabilities to the extent permissible under applicable law or regulation.
  - (b) If application of any requirement of this part to a student with a disability is not permissible under applicable law or regulation, the responsible school authority shall implement other actions consistent with the conflicting law or regulation which shall most closely correspond to the requirements of this part.

Amended by Chapter 388, 2020 General Session

**53G-8-209 Extracurricular activities -- Prohibited conduct -- Reporting of violations --  
Limitation of liability.**

- (1) The Legislature recognizes that:
  - (a) participation in student government and extracurricular activities may confer important educational and lifetime benefits upon students, and encourages school districts and charter schools to provide a variety of opportunities for all students to participate in such activities in meaningful ways;
  - (b) there is no constitutional right to participate in these types of activities, and does not through this section or any other provision of law create such a right;
  - (c) students who participate in student government and extracurricular activities, particularly competitive athletics, and the adult coaches, advisors, and assistants who direct those activities, become role models for others in the school and community;
  - (d) these individuals often play major roles in establishing standards of acceptable behavior in the school and community, and establishing and maintaining the reputation of the school and the level of community confidence and support afforded the school; and
  - (e) it is of the utmost importance that those involved in student government, whether as officers or advisors, and those involved in competitive athletics and related activities, whether students or staff, comply with all applicable laws and standards of behavior and conduct themselves at all times in a manner befitting their positions and responsibilities.
- (2)
  - (a) The state board may, and local school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.
  - (b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):
    - (i) the use of foul, abusive, or profane language while engaged in school related activities;
    - (ii) the illicit use, possession, or distribution of:
      - (A) a controlled substance or drug paraphernalia;
      - (B) a tobacco product, an electronic cigarette product, or a nicotine product as those terms are defined in Section 76-10-101; or
      - (C) an alcoholic beverage; and
    - (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body

parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under state law.

- (3)
  - (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.
  - (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.
  - (c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.
- (4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

Amended by Chapter 161, 2020 General Session

Amended by Chapter 302, 2020 General Session

Amended by Chapter 347, 2020 General Session

### **53G-8-210 Disruptive student behavior.**

- (1) As used in this section:
  - (a) "Disruptive student behavior" includes:
    - (i) the grounds for suspension or expulsion described in Section 53G-8-205; and
    - (ii) the conduct described in Subsection 53G-8-209(2)(b).
  - (b) "Parent" includes:
    - (i) a custodial parent of a school-age child;
    - (ii) a legally appointed guardian of a school-age child; or
    - (iii) any other person purporting to exercise any authority over the child which could be exercised by a person described in Subsection (1)(b)(i) or (ii).
  - (c) "Qualifying minor" means a school-age child who:
    - (i) is at least nine years old; or
    - (ii) turns nine years old at any time during the school year.
  - (d) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child is enrolled.
  - (e) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (2) A local school board, school district, charter school governing board, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age child who violates this part.
- (3)
  - (a) A local school board or charter school governing board shall:
    - (i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
    - (ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.
  - (b) A school representative shall provide to a parent of a school-age child, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.
  - (c) A local school board or charter school governing board shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who



engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

(a) shall be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

(ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;

(b) shall require that the qualifying minor and a parent of the qualifying minor:

(i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and

(ii) cooperate with the local school board or charter school governing board in correcting the qualifying minor's disruptive student behavior; and

(c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(5) A habitual disruptive student behavior notice:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii)

(A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board to issue a habitual disruptive student behavior notice.

(6)

(a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.

(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

Amended by Chapter 20, 2020 General Session

### **53G-8-211 Responses to school-based behavior.**

(1) As used in this section:

(a) "Evidence-based" means a program or practice that has:

(i) had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;

(ii) been rated as effective by a standardized program evaluation tool; or

(iii) been approved by the state board.

(b) "Habitual truant" means a school-age child who:

(i) is in grade 7 or above, unless the school-age child is under 12 years old;

(ii) is subject to the requirements of Section 53G-6-202; and

- (iii)
  - (A) is truant at least 10 times during one school year; or
  - (B) fails to cooperate with efforts on the part of school authorities to resolve the school-age child's attendance problem as required under Section 53G-6-206.
- (c) "Minor" means the same as that term is defined in Section 80-1-102.
- (d) "Mobile crisis outreach team" means the same as that term is defined in Section 62A-15-102.
- (e) "Prosecuting attorney" means the same as that term is defined in Subsections 80-1-102(65) (b) and (c).
- (f) "Restorative justice program" means a school-based program or a program used or adopted by a local education agency that is designed:
  - (i) to enhance school safety, reduce school suspensions, and limit referrals to law enforcement agencies and courts; and
  - (ii) to help minors take responsibility for and repair harmful behavior that occurs in school.
- (g) "School administrator" means a principal of a school.
- (h) "School is in session" means a day during which the school conducts instruction for which student attendance is counted toward calculating average daily membership.
- (i) "School resource officer" means a law enforcement officer, as defined in Section 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts with a local education agency to provide law enforcement services for the local education agency.
- (j) "School-age child" means the same as that term is defined in Section 53G-6-201.
- (k)
  - (i) "School-sponsored activity" means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific local education agency or public school, according to LEA governing board policy, and satisfies at least one of the following conditions:
    - (A) the activity is managed or supervised by a local education agency or public school, or local education agency or public school employee;
    - (B) the activity uses the local education agency's or public school's facilities, equipment, or other school resources; or
    - (C) the activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.
  - (ii) "School-sponsored activity" includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.
- (l)
  - (i) "Status offense" means an offense that would not be an offense but for the age of the offender.
  - (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or felony.
- (2) This section applies to a minor enrolled in school who is alleged to have committed an offense on school property where the student is enrolled:
  - (a) when school is in session; or
  - (b) during a school-sponsored activity.
- (3) If a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, the school administrator, the school administrator's designee, or a school resource officer may refer the minor:
  - (a) to an evidence-based alternative intervention, including:
    - (i) a mobile crisis outreach team;
    - (ii) a youth services center, as defined in Section 80-5-102;
    - (iii) a youth court or comparable restorative justice program;

- (iv) an evidence-based alternative intervention created and developed by the school or school district;
- (v) an evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, the Department of Health and Human Services; or
- (vi) a tobacco cessation or education program if the offense is a violation of Section 76-10-105; or
- (b) for prevention and early intervention youth services, as described in Section 80-5-201, by the Division of Juvenile Justice Services if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).
- (4) Except as provided in Subsection (5), if a minor is alleged to have committed an offense on school property that is a class C misdemeanor, an infraction, or a status offense, a school administrator, the school administrator's designee, or a school resource officer may refer a minor to a law enforcement officer or agency or a court only if:
  - (a) the minor allegedly committed the same offense on school property on two previous occasions; and
  - (b) the minor was referred to an evidence-based alternative intervention, or to prevention or early intervention youth services, as described in Subsection (3) for both of the two previous offenses.
- (5) If a minor is alleged to have committed a traffic offense that is an infraction, a school administrator, the school administrator's designee, or a school resource officer may refer the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for the traffic offense.
- (6) Notwithstanding Subsection (4), a school resource officer may:
  - (a) investigate possible criminal offenses and conduct, including conducting probable cause searches;
  - (b) consult with school administration about the conduct of a minor enrolled in a school;
  - (c) transport a minor enrolled in a school to a location if the location is permitted by law;
  - (d) take temporary custody of a minor in accordance with Section 80-6-201; or
  - (e) protect the safety of students and the school community, including the use of reasonable and necessary physical force when appropriate based on the totality of the circumstances.
- (7)
  - (a) If a minor is referred to a court or a law enforcement officer or agency under Subsection (4), the school or the school district shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.
  - (b) A school representative appointed under Subsection (7)(a) may not be a school resource officer.
  - (c) A school district or school shall include the following in the school district's or school's referral to the court or the law enforcement officer or agency:
    - (i) attendance records for the minor;
    - (ii) a report of evidence-based alternative interventions used by the school before the referral, including outcomes;
    - (iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family;
  - (d) if the minor was referred to prevention or early intervention youth services under Subsection (3)(b), a report from the Division of Juvenile Justice Services that demonstrates the minor's failure to complete or participate in prevention and early intervention youth services under Subsection (3)(b); and

- (v) any other information that the school district or school considers relevant.
- (d) A minor referred to a court under Subsection (4) may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-353, when the underlying offense is a status offense or infraction.
- (e) If a minor is referred to a court under Subsection (4), the court may use, when available, the resources of the Division of Juvenile Justice Services or the Division of Substance Abuse and Mental Health to address the minor.
- (8) If a minor is alleged to have committed an offense on school property that is a class B misdemeanor or a class A misdemeanor, the school administrator, the school administrator's designee, or a school resource officer may refer the minor directly to a court or to the evidence-based alternative interventions in Subsection (3)(a).

Amended by Chapter 161, 2023 General Session

**53G-8-212 Defacing or damaging school property -- Student's liability -- Work program alternative.**

- (1) A student who willfully defaces or otherwise damages any school property may be suspended or otherwise disciplined.
- (2)
  - (a) If a school's property has been lost or willfully cut, defaced, or otherwise damaged, the school may withhold the issuance of an official written grade report, diploma, or transcript of the student responsible for the damage or loss until the student or the student's parent has paid for the damages.
  - (b) The student's parent is liable for damages as otherwise provided in Section 80-6-610.
- (3)
  - (a) If the student and the student's parent are unable to pay for the damages or if it is determined by the school in consultation with the student's parent that the student's interests would not be served if the parent were to pay for the damages, the school shall provide for a program of work the student may complete in lieu of the payment.
  - (b) The school shall release the official grades, diploma, and transcripts of the student upon completion of the work.
- (4) Before any penalties are assessed under this section, the school shall adopt procedures to ensure that the student's right to due process is protected.
- (5) No penalty may be assessed for damages which may be reasonably attributed to normal wear and tear.
- (6) If the Department of Human Services or a licensed child-placing agency has been granted custody of the student, the student's records, if requested by the department or agency, may not be withheld from the department or agency for nonpayment of damages under this section.

Amended by Chapter 262, 2021 General Session

**53G-8-213 Reintegration plan for student alleged to have committed violent felony or weapon offense.**

- (1) As used in this section:
  - (a) "Multidisciplinary team" means the local education agency, the juvenile court, the Division of Juvenile Justice Services, a school resource officer if applicable, and any other relevant party that should be involved in a reintegration plan.
  - (b) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

- (2) If a school district receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a violent felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within five days after the day on which the school receives a notification.
- (3) The school may deny admission to the student until the school completes the reintegration plan under Subsection (2).
- (4) The reintegration plan under Subsection (2) shall address:
  - (a) a behavioral intervention for the student;
  - (b) a short-term mental health or counseling service for the student; and
  - (c) an academic intervention for the student.

Enacted by Chapter 161, 2023 General Session

### **Part 3**

### **Physical Restraint of Students**

#### **53G-8-301 Definitions.**

As used in this part:

- (1) "Corporal punishment" means the intentional infliction of physical pain upon the body of a student as a disciplinary measure.
- (2) "Physical escort" means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of guiding a student to another location.
- (3) "Physical restraint" means a personal restriction that immobilizes or significantly reduces the ability of a student to move the student's arms, legs, body, or head freely.
- (4) "School" means a public or private elementary school, secondary school, or preschool.
- (5) "Student" means an individual who is:
  - (a) under the age of 19 and receiving educational services; or
  - (b) under the age of 23 and receiving educational services as an individual with a disability.

Renumbered and Amended by Chapter 3, 2018 General Session

#### **53G-8-302 Prohibition of corporal punishment -- Use of reasonable and necessary physical restraint.**

- (1) A school employee may not inflict or cause the infliction of corporal punishment upon a student.
- (2) A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:
  - (a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;
  - (b) protect a student or another individual from physical injury;
  - (c) remove from a situation a student who is violent; or
  - (d) protect property from being damaged, when physical safety is at risk.
- (3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).
- (4)

- (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.
- (b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.
- (5) A parochial or private school that does not receive state funds to provide for the education of a student may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents of students in the school of the exemption.
- (6) This section does not apply to a law enforcement officer as defined in Section 53-13-103.

Amended by Chapter 293, 2019 General Session

**53G-8-303 Investigation of complaint -- Confidentiality -- Immunity.**

- (1)
  - (a) The reporting and investigation requirements of Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports, apply to complaints on corporal punishment.
  - (b) If a violation is confirmed, school authorities shall take prompt and appropriate action, including in-service training and other administrative action, to ensure against a repetition of the violation.
- (2) Reports made on violations of this part are subject to the same requirements of confidentiality as provided under Section 80-2-1005.
- (3) Any school or individual who in good faith makes a report or cooperates in an investigation by a school or authorized public agency concerning a violation of this part is immune from any civil or criminal liability that might otherwise result by reason of those actions.

Amended by Chapter 335, 2022 General Session

**53G-8-304 Liability.**

- (1)
  - (a) Corporal punishment which would, but for this part, be considered to be reasonable discipline of a minor under Section 76-2-401 may not be used as a basis for any civil or criminal action.
  - (b) A court of competent jurisdiction may take appropriate action against any employing entity if the court finds that the employing entity has not taken reasonable steps to enforce the provisions of this part.
- (2) Civil or criminal action may proceed without hindrance in the case of corporal punishment which would not be reasonable discipline under Sections 53G-8-305 and 76-2-401.

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-8-305 Exception.**

Behavior reduction intervention which is in compliance with Section 76-2-401 and with state and local rules adopted under Section 53E-7-204 is excepted from this part.

Amended by Chapter 293, 2019 General Session

**Part 4**

## **Juvenile Court and Law Enforcement Notification to Public Schools**

### **53G-8-401 Definitions.**

Reserved

Enacted by Chapter 3, 2018 General Session

### **53G-8-402 Notification by juvenile court and law enforcement agencies.**

- (1) A notification received by a school district from the juvenile court or a law enforcement agency under Section 80-6-103 is governed by this part.
- (2) A school district may enter into an agreement with a law enforcement agency regarding a notification under Subsection (1).

Amended by Chapter 161, 2023 General Session

### **53G-8-403 Superintendent required to notify school.**

- (1) Within three days of receiving a notification from the juvenile court or a law enforcement agency under Section 80-6-103, the district superintendent shall notify the principal of the school the juvenile attends or last attended.
- (2) Upon receipt of the information, the principal shall:
  - (a) make a notation in a secure file other than the student's permanent file; and
  - (b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.
- (3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.
- (4) Access to secure files shall be limited to persons authorized to receive information under this part.

Amended by Chapter 161, 2023 General Session

### **53G-8-404 State board to set procedures.**

The state board shall make rules governing the dissemination of the information.

Amended by Chapter 293, 2019 General Session

### **53G-8-405 Liability for release of information.**

- (1) The district superintendent, principal, and any staff member notified by the principal may not be held liable for information which may become public knowledge unless it can be shown by clear and convincing evidence that the information became public knowledge through an intentional act of the superintendent, principal, or a staff member.
- (2) A person receiving information under Section 53G-8-403 or 80-6-103 is immune from any liability, civil or criminal, for acting or failing to act in response to the information unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference to the consequences.

Amended by Chapter 262, 2021 General Session

## **Part 5**

### **Substance Abuse Reporting and Weapons Notification**

#### **53G-8-501 Definitions.**

For purposes of Sections 53G-8-502 through 53G-8-504:

- (1) "Educator" means a person employed by a public school, but excludes those employed by institutions of higher education.
- (2) "Prohibited act" means an act prohibited by Section 53G-8-602, relating to alcohol; Section 58-37-8, relating to controlled substances; or Section 58-37a-5, relating to drug paraphernalia.

Renumbered and Amended by Chapter 3, 2018 General Session

#### **53G-8-502 Mandatory reporting of prohibited acts.**

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

Renumbered and Amended by Chapter 3, 2018 General Session

#### **53G-8-503 Reporting procedure.**

- (1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.
- (2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.
- (3) The designated educator may not disclose to the student or to the student's parent the identity of the educator who made the initial report.

Amended by Chapter 293, 2019 General Session

#### **53G-8-504 Immunity from civil or criminal liability.**

An educator who in good faith makes a report under Sections 53G-8-502 and 53G-8-503 is immune from any liability, civil or criminal, that might otherwise result from that action.

Renumbered and Amended by Chapter 3, 2018 General Session

#### **53G-8-505 Definitions.**

For purposes of Sections 53G-8-506 through 53G-8-509:

- (1) The definitions in Sections 58-37-2, 58-37a-3, and 58-37b-2 apply to Sections 53G-8-506 through 53G-8-509.
- (2) "Prohibited act" means:
  - (a) an act punishable under Section 53G-8-602, Section 58-37-8, Section 58-37a-5, or Title 58, Chapter 37b, Imitation Controlled Substances Act; or
  - (b) possession of an electronic cigarette product by a student on school property.



(3) "School" means a public or private elementary or secondary school.

Amended by Chapter 161, 2020 General Session

**53G-8-506 Reporting of prohibited acts affecting a school -- Confidentiality.**

- (1) A person who has reasonable cause to believe that an individual has committed a prohibited act shall, in accordance with Section 53G-8-211, immediately notify:
  - (a) the principal;
  - (b) an administrator of the affected school;
  - (c) the superintendent of the affected school district; or
  - (d) an administrator of the affected school district.
- (2) If notice is given to a school official, the official may authorize an investigation into allegations involving school property, students, or school district employees.
- (3) A school official may only refer a complaint of an alleged prohibited act reported as occurring on school property or in connection with school-sponsored activities to an appropriate law enforcement agency in accordance with Section 53G-8-211.
- (4) The identity of persons making reports pursuant to this section shall be kept confidential.

Renumbered and Amended by Chapter 3, 2018 General Session

Amended by Chapter 117, 2018 General Session

**53G-8-507 Immunity from civil or criminal liability.**

Any person, official, or institution, other than a law enforcement officer or law enforcement agency, participating in good faith in making a report or conducting an investigation under the direction of school or law enforcement authorities under Section 53G-8-505, 53G-8-506, 53G-8-508, or 53G-8-509, is immune from any liability, civil or criminal, that otherwise might result by reason of that action.

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-8-508 Admissibility of evidence in civil and criminal actions.**

- (1) Evidence relating to a violation of Section 53G-8-505, 53G-8-506, 53G-8-507, or 53G-8-509, which is seized by school authorities acting alone, on their own authority, and not in conjunction with or at the behest of law enforcement authorities is admissible in civil and criminal actions.
- (2) An LEA shall dispose of or destroy seized electronic cigarette products in accordance with the LEA's policies adopted under Subsection 53G-8-203(3).
- (3) A search under this section must be based on at least a reasonable belief that the search will turn up evidence of a violation of this part. The measures adopted for the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the circumstances, including the age and sex of the person involved and the nature of the infraction.

Amended by Chapter 161, 2020 General Session

**53G-8-509 State board rules to ensure protection of individual rights.**

The state board and LEA governing boards shall adopt rules or policies to implement Sections 53G-8-505 through 53G-8-508. The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Amended by Chapter 293, 2019 General Session

**53G-8-510 Notification of dangerous weapons on school grounds -- Immunity from civil and criminal liability.**

(1) As used in this section:

- (a) "Dangerous weapon" means a firearm or an object that in the manner of the object's use or intended use is capable of causing death or serious bodily injury to an individual.
  - (b) "Minor" means the same as that term is defined in Section 80-1-102.
  - (c) "School employee" means an individual working in the individual's capacity as:
    - (i) a school teacher;
    - (ii) a school staff member;
    - (iii) a school administrator; or
    - (iv) an individual:
      - (A) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and
      - (B) who works on a school campus.
  - (d) "School is in session" means the same as that term is defined in Section 53E-3-516.
  - (e) "School-sponsored activity" means the same as that term is defined in Section 53E-3-516.
- (2) If a minor is found on school grounds when school is in session or at a school-sponsored activity in possession of a dangerous weapon and that information is reported to, or known by, a school employee, the school employee shall notify the principal.
- (3) After receiving a notification under Subsection (2), the principal shall notify:
- (a) a law enforcement officer or agency; and
  - (b) school or district personnel if the principal determines that school or district personnel should be informed.
- (4) A person who in good faith reports information under Subsection (2) or (3) and any person who receives the information is immune from any liability, civil or criminal, that might otherwise result from the reporting or receipt of the information.

Amended by Chapter 115, 2023 General Session

**Part 6**  
**Criminal Offenses and Traffic Ordinances**

**53G-8-601 Definitions.**

Reserved

Enacted by Chapter 3, 2018 General Session

**53G-8-602 Possession or consumption of alcoholic beverages at school or school-sponsored activities -- Penalty.**

- (1) Except as approved by a local school board as part of the curriculum, a person may not possess or drink an alcoholic beverage:
- (a) inside or on the grounds of any building owned or operated by a part of the public education system; or

- (b) in those portions of any building, park, or stadium which are being used for an activity sponsored by or through any part of the public education system.
- (2)
  - (a) Subsection (1)(a) does not apply to property owned by a school district in contemplation of future use for school purposes while the property is under lease to another party.
  - (b)
    - (i) For purposes of Subsection (2)(a), a lease must be full time for a period of not less than two years.
    - (ii) The property may not be used for school purposes at any time during the lease period.
- (3) Violation of this section is a class B misdemeanor.

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-8-603 Criminal trespass upon school property -- Penalty.**

- (1) A person is guilty of criminal trespass upon school property if the person does the following:
  - (a) enters or remains unlawfully upon school property, and:
    - (i) intends to cause annoyance or injury to a person or damage to property on the school property;
    - (ii) intends to commit a crime; or
    - (iii) is reckless as to whether the person's presence will cause fear for the safety of another; or
  - (b) enters or remains without authorization upon school property if notice against entry or remaining has been given by:
    - (i) personal communication to the person by a school official or an individual with apparent authority to act for a school official;
    - (ii) the posting of signs reasonably likely to come to the attention of trespassers;
    - (iii) fencing or other enclosure obviously designed to exclude trespassers; or
    - (iv) a current order of suspension or expulsion.
- (2) As used in this section:
  - (a) "Enter" means intrusion of the entire body.
  - (b) "School official" means a public or private school administrator or person in charge of a school program or activity.
  - (c) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied for a school activity or program.
- (3) Violation of this section is a class B misdemeanor.

Renumbered and Amended by Chapter 3, 2018 General Session

**53G-8-604 Traffic ordinances on school property -- Enforcement.**

- (1) A local political subdivision in which real property is located that belongs to, or is controlled by, the state board, an LEA governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.
- (2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

Amended by Chapter 293, 2019 General Session

## **Part 7**

### **School Resource Officers**

#### **53G-8-701 Definitions.**

As used in this part:

- (1) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.
- (2) "Public school" means the same as that term is defined in Section 53G-9-205.1.
- (3) "School resource officer" or "SRO" means a law enforcement officer, as defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts with an LEA to provide law enforcement services for the LEA.
- (4) "School safety specialist" means a school employee who is responsible for supporting school safety initiatives including the threat assessment described in Subsection 53G-8-802(2)(g)(i).

Amended by Chapter 383, 2023 General Session

#### **53G-8-701.5 Threat assessment and school safety specialist.**

Every public primary and secondary school shall:

- (1) conduct a threat assessment as described in Subsection 53G-8-802(2)(g)(i); and
- (2) designate a school safety specialist.

Enacted by Chapter 383, 2023 General Session

#### **53G-8-702 School resource officer training -- Curriculum.**

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that prepare and make available a training program for school principals, school personnel, and school resource officers to attend.
- (2) To create the curriculum and materials for the training program described in Subsection (1), the state board shall:
  - (a) work in conjunction with the State Commission on Criminal and Juvenile Justice created in Section 63M-7-201;
  - (b) solicit input from local school boards, charter school governing boards, and the Utah Schools for the Deaf and the Blind;
  - (c) consult with a nationally recognized organization that provides resources and training for school resource officers;
  - (d) solicit input from local law enforcement and other interested community stakeholders; and
  - (e) consider the current United States Department of Education recommendations on school discipline and the role of a school resource officer.
- (3) The training program described in Subsection (1) may include training on the following:
  - (a) childhood and adolescent development;
  - (b) responding age-appropriately to students;
  - (c) working with disabled students;
  - (d) techniques to de-escalate and resolve conflict;
  - (e) cultural awareness;
  - (f) restorative justice practices;
  - (g) identifying a student exposed to violence or trauma and referring the student to appropriate resources;
  - (h) student privacy rights;

- (i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;
  - (j) strategies to reduce juvenile justice involvement;
  - (k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure;
  - (l) developing and supporting successful relationships with students; and
  - (m) legal parameters of searching and questioning students on school property.
- (4) The state board shall work together with the Department of Public Safety, the State Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish policies, procedures, and training requirements for school resource officers.

Amended by Chapter 383, 2023 General Session

**53G-8-703 Contracts between an LEA and law enforcement for school resource officer services -- Requirements.**

- (1) An LEA may contract with a local law enforcement agency to provide school resource officer services at the LEA.
- (2) An LEA contract with a law enforcement agency to provide SRO services at the LEA shall require in the contract:
  - (a) an acknowledgment by the law enforcement agency that an SRO hired under the contract shall:
    - (i) provide for and maintain a safe, healthy, and productive learning environment in a school;
    - (ii) act as a positive role model to students;
    - (iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;
    - (iv) emphasize the use of restorative approaches to address negative behavior; and
    - (v) at the request of the LEA, teach a vocational law enforcement class;
  - (b) a description of the shared understanding of the LEA and the law enforcement agency regarding the roles and responsibilities of law enforcement and the LEA to:
    - (i) maintain safe schools;
    - (ii) improve school climate; and
    - (iii) support educational opportunities for students;
  - (c) a designation of student offenses that, in accordance with Section 53G-8-211, the SRO:
    - (i) may refer to the juvenile court;
    - (ii) shall confer with the LEA to resolve; and
    - (iii) shall refer to a school administrator for resolution as an administrative issue with the understanding that the SRO will be informed of the outcome of the administrative issue;
  - (d) a detailed description of the rights of a student under state and federal law with regard to:
    - (i) searches;
    - (ii) questioning;
    - (iii) arrests; and
    - (iv) information privacy;
  - (e) a detailed description of:
    - (i) job assignment and duties, including:
      - (A) the school to which the SRO will be assigned;
      - (B) the hours the SRO is expected to be present at the school;
      - (C) the point of contact at the school;
      - (D) specific responsibilities for providing and receiving information; and

- (E) types of records to be kept, and by whom;
- (ii) training requirements; and
- (iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;
- (f) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702;
- (g) that both parties agree to jointly discuss SRO applicants; and
- (h) that the law enforcement agency will, at least annually, seek out and accept feedback from an LEA about an SRO's performance.

Amended by Chapter 383, 2023 General Session

**53G-8-703.2 LEA establishment of SRO policy -- Public comment.**

- (1) An LEA shall establish an SRO policy.
- (2) The SRO policy described in Subsection (1) shall include:
  - (a) the contract described in Section 53G-8-703; and
  - (b) all other procedures and requirements governing the relationship between the LEA and an SRO.
- (3) Before implementing the SRO policy described in Subsection (1), the LEA shall present the SRO policy at a public meeting and receive public comment on the SRO policy.

Enacted by Chapter 383, 2023 General Session

## **Part 8**

### **State Safety and Support Program**

**53G-8-801 Definitions.**

As used in this section:

- (1) "Bullying" means the same as that term is defined in Section 53G-9-601.
- (2) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- (3) "Program" means the State Safety and Support Program established in Section 53G-8-802.

Enacted by Chapter 441, 2019 General Session

**53G-8-802 State Safety and Support Program -- State board duties -- LEA duties.**

- (1) There is created the State Safety and Support Program.
- (2) The state board shall:
  - (a) develop in conjunction with the Office of Substance Use and Mental Health model student safety and support policies for an LEA, including:
    - (i) evidence-based procedures for the assessment of and intervention with an individual whose behavior poses a threat to school safety;
    - (ii) procedures for referrals to law enforcement; and
    - (iii) procedures for referrals to a community services entity, a family support organization, or a health care provider for evaluation or treatment;
  - (b) provide training:

- (i) in school safety;
  - (ii) in evidence-based approaches to improve school climate and address and correct bullying behavior;
  - (iii) in evidence-based approaches in identifying an individual who may pose a threat to the school community;
  - (iv) in evidence-based approaches in identifying an individual who may be showing signs or symptoms of mental illness;
  - (v) on permitted disclosures of student data to law enforcement and other support services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
  - (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections 53E-9-203 and 53E-9-305; and
  - (vii) for administrators on rights and prohibited acts under:
    - (A) Chapter 9, Part 6, Bullying and Hazing;
    - (B) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d et seq.;
    - (C) Title IX of Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq.;
    - (D) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.; and
    - (E) the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.;
  - (c) conduct and disseminate evidence-based research on school safety concerns;
  - (d) disseminate information on effective school safety initiatives;
  - (e) encourage partnerships between public and private sectors to promote school safety;
  - (f) provide technical assistance to an LEA in the development and implementation of school safety initiatives;
  - (g) in conjunction with the Department of Public Safety, develop and make available to an LEA a model critical incident response training program that includes:
    - (i) protocols for conducting a threat assessment, and ensuring building security during an incident, as required in Section 53G-8-701.5;
    - (ii) standardized response protocol terminology for use throughout the state;
    - (iii) protocols for planning and safety drills; and
    - (iv) recommendations for safety equipment for schools including amounts and types of first aid supplies;
  - (h) provide space for the public safety liaison described in Section 53-1-106 and the school-based mental health specialist described in Section 26B-5-211;
  - (i) create a model school climate survey that may be used by an LEA to assess stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:
    - (i) requiring an LEA to:
      - (A) create or adopt and disseminate a school climate survey; and
      - (B) disseminate the school climate survey;
    - (ii) recommending the distribution method, survey frequency, and sample size of the survey; and
    - (iii) specifying the areas of content for the school climate survey; and
  - (j) collect aggregate data and school climate survey results from each LEA.
- (3) Nothing in this section requires an individual to respond to a school climate survey.
- (4) The state board shall require an LEA to:
- (a)
    - (i) review data from the state board-facilitated surveys containing school climate data for each school within the LEA; and
    - (ii) based on the review described in Subsection (4)(a)(i):

- (A) revise practices, policies, and training to eliminate harassment and discrimination in each school within the LEA;
- (B) adopt a plan for harassment- and discrimination-free learning; and
- (C) host outreach events or assemblies to inform students and parents of the plan adopted under Subsection (4)(a)(ii)(B);
- (b) no later than September 1 of each school year, send a notice to each student, parent, and LEA staff member stating the LEA's commitment to maintaining a school climate that is free of harassment and discrimination; and
- (c) report to the state board:
  - (i) no later than August 1, 2023, on the LEA's plan adopted under Subsection (4)(a)(ii)(B); and
  - (ii) after August 1, 2023, annually on the LEA's implementation of the plan and progress.

Amended by Chapter 328, 2023 General Session

Amended by Chapter 383, 2023 General Session

**53G-8-803 Standard response protocol to active threats in schools.**

The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (1) require an LEA or school to develop emergency preparedness plans and emergency response plans that include developmentally appropriate training for students and adults regarding:
  - (a) active threats;
  - (b) emergency preparedness;
  - (c) drills as required under Subsection 15A-5-202.5; and
  - (d) standard response protocols coordinated with community stakeholders;
- (2) identify the necessary components of emergency preparedness and response plans, including underlying standard response protocols and emerging best practices for an emergency; and
- (3) define what constitutes an "active threat" and "developmentally appropriate" for purposes of the emergency response training described in this section.

Enacted by Chapter 390, 2023 General Session